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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CELSO MARTEARENA-ARRIOLA, )  
 )  
Defendant. )

No. CR 08-0272 SI

**GOVERNMENT'S SUPPLEMENTAL  
RULE 16 NOTICE OF EXPERT  
TESTIMONY**

Trial Date: June 30, 2008  
Pretrial Conf.: June 24, 2008

Pursuant to Rule 16(a)(1)(G), the government here supplements its previously-filed Notice of Expert Testimony relating to the proposed testimony of Kenneth Woods, Senior Fingerprint Specialist with the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), at the Forensic Document Laboratory (FDL) in McLean, Virginia.

**I. BACKGROUND.**

The FDL is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB). As a Senior Fingerprint Specialist at the FDL, Mr. Woods' duties and responsibilities include, but are not limited to, processing evidence

1 collected at crime scenes, conducting friction ridge analysis, comparison, and evaluation of  
2 fingerprints submitted for analysis to the Forensic Document Laboratory, as well as entering  
3 fingerprints into the FBI's IAFIS (Integrated Automated Fingerprint Identification System)  
4 system and ICE's CAFIS (Cogent Automated Fingerprint Identification System). Mr. Woods has  
5 the education, training, and experience required to conduct such analysis, as outlined in the  
6 previously-provided curriculum vitae.

7 On April 22, 2008, Mr. Woods analyzed the eight (8) Exhibits containing inked or known  
8 impressions, submitted by ICE Deportation Officer Cesar J. Lopez to the FDL. The Exhibits  
9 consisted of five Warrants of Removal/Deportation (Form I-205), and three (3) standard  
10 fingerprint cards (Form FD-249), and are described in more detail on the report dated April 22,  
11 2008 (attached as Exhibit A to Defendant's Motion to Exclude). After an analysis, comparison  
12 and evaluation of the friction ridge detail on the items, Mr. Woods determined that all of the  
13 fingerprint impressions were made by the same individual.

## 14 **II. BASIS FOR OPINION.**

### 15 **A. Methodology.**

16 Mr. Woods' opinion that all of the fingerprint impressions were made by the same  
17 individual is based on the two fundamental principles of friction ridge identification: (1) friction  
18 ridges present in fingerprints begin to develop in the fetus and persist, unchanged, until after  
19 death when decomposition destroys the ridged skin; (2) no two fingerprints have been found to  
20 be the same, even in identical twins. His conclusions were reached using the standard ACE-V  
21 (Analysis, Comparison, Evaluation – Verification) methodology. The methodology is further  
22 broken down as follows:

23 The Analysis phase is used to make observations and to study each of the impressions.  
24 This includes how the impression was processed or made; whether it was an inked or a live  
25 scanned impression; the surface it was deposited on; the general flow of ridges; clarity of the  
26 ridges; ridge characteristics present; and any apparent movement or distortion. The examiner  
27 then determines if the impression contains sufficient information to move on to the comparison  
28 phase. The impressions submitted were determined to be sufficient for comparison.

1 The Comparison phase begins when two or more impressions have been determined to be  
2 of value for comparison. The impressions are compared in a side by side format to determine if  
3 the same ridge formations and ridge characteristics occupy the same relative position in both.  
4 Additionally, the impressions are compared for unexplainable dissimilarities. If the impressions  
5 meet the comparison criteria then the Evaluation phase is initiated. Mr. Woods compared the  
6 impressions submitted by Deportation Officer Cesar Lopez, and found the ridge formations and  
7 characteristics to be in the same relative position with no unexplainable dissimilarities.

8 The Evaluation phase is where the examiner makes a determination as to the  
9 individualization, exclusion, or inconclusive status of the examination. Any individualizations  
10 are then sent to an additional examiner for verification. As previously stated, Mr. Woods  
11 determined that the fingerprint impressions submitted to him were made by the same individual;  
12 the impressions were then forwarded to Senior Fingerprint Specialist Genius Johnson for  
13 verification.

14 In the Verification phase a second examiner is responsible for following the ACE  
15 methodology as outlined above in order to provide a quality assurance measure. Senior  
16 Fingerprint Specialist Johnson verified the examination and concurred with Mr. Woods'  
17 conclusion that all fingerprints were made by the same person.

18 **B. Findings.**

19 As stated above, Mr. Woods analyzed the eight (8) exhibits containing inked or known  
20 impressions, submitted by ICE Deportation Officer Lopez to the FDL. Attached hereto as  
21 Exhibit A is a chart that is a pictorial representation of the comparison between the known  
22 impressions on Exhibits 1.4 (I-205 Warrant of Deportation dated 11/14/95) and 1.6 (FDL-249  
23 Fingerprint Card dated 4/7/08). *See Exhibit A.*

24 Exhibit 1.4 bears a known fingerprint impression that is of good to moderate quality for  
25 comparison. The pattern and ridge flow are discernable as a right sloping loop. The core area  
26 and many of the ridges and ridge details are very clear. Some areas are smudged or unclear due  
27 to conditions at the time the impression was taken.

28 Exhibit 1.6 bears several known impressions that are of good to very good quality for

1 comparison. The impression in the block marked 1.R. THUMB is consistent in pattern and ridge  
2 flow with the right sloping loop in Exhibit 1.4. The ridges and ridge details are very clear, and  
3 while the ridges do fade around the outer edges of the impression, this does not interfere with the  
4 analysis.

5 Due to the level of ridge clarity and detail, both of the known impressions in Exhibits 1.4  
6 and 1.6 were determined to be of sufficient quality for comparison.

7 A side by side comparison was conducted to determine if the known impressions were  
8 made by the same finger. There is specific agreement between the impressions as to pattern and  
9 ridge flow. Upon comparing the individual ridges present in the impressions, several areas  
10 displayed ridge characteristics that are in the same unit relationship between the two impressions.  
11 These areas of agreement are represented in the chart and occur throughout the impressions. The  
12 first area (the lowest set of small circles) is to the left side of the impressions near the delta area.  
13 The enlarged area displays an ending ridge and a bifurcation. The second set of circles highlight  
14 the ridge to the left of the core. The ridge contains four bifurcations presented as two enclosures.  
15 The third set of circles display the top of the core and a bifurcation opening up and to the right in  
16 both impressions. The top set of circles are representative of an ending ridge and a downward  
17 opening bifurcation that are above the core. The selected ridge details described are a  
18 representative sample of the ridges and ridge details on which Mr. Woods' ultimate conclusion  
19 was based.

20 The evaluation of the impressions described above resulted in the determination that both  
21 of the impressions were made by the same individual. While the areas recorded on the remaining  
22 impressions – Exhibits 1.1 (I-205 Warrant of Removal/Deportation dated 4/27/05), 1.2 (I-205  
23 Warrant of Removal/Deportation dated 6/21/01), 1.3 (I-205 Warrant of Removal/Deportation  
24 dated 8/7/98), 1.5 (I-205 Warrant of Deportation dated 11/29/94), 1.7 (FD-249 Fingerprint Card  
25 dated 2/20/01), and 1.8 (FD-249 Fingerprint Card dated 11/14/95) – are in some cases different  
26 fingers, the same procedure or methodology was followed in the Analysis, Comparison, and  
27 Evaluation of these Exhibits. All impressions contained areas of sufficient clarity and ridge  
28 detail to allow the ACE methodology to be followed. Exhibits 1.1, 1.2, and 1.3 all contain right

1 index fingerprint impressions. The pattern, ridge flow, and ridge characteristics on those  
2 impressions are consistent with each other, and consistent with the right index fingerprints  
3 contained on Exhibits 1.6, 1.7, and 1.8. For example, below the core of the impressions there is a  
4 bifurcation present that opens to the left, travels a short distance and merges or joins the ridge  
5 above. Two ridges below the first bifurcation is a second bifurcation that also opens to the left.

6 Likewise, the right thumbprint contained on Exhibit 1.5 is consistent with the pattern,  
7 ridge flow, and ridge characteristics on the right thumbprints contained on Exhibits 1.4, 1.6, 1.7,  
8 and 1.8. For example, the previously mentioned core, with the bifurcation that opens to the right  
9 in the ridge immediately above the core, is present in all of the right thumb impressions.

10 Additionally the double enclosure in the ridge to the left of the core is also present in all of the  
11 right thumb impressions.

12 Thus, based on these and other consistencies (as well as the corresponding lack of  
13 unexplainable inconsistencies) among the fingerprint impressions, Mr. Woods concluded (and  
14 Mr. Johnson verified) that all of the impressions were made by one and the same individual.

15  
16 DATED: June 20, 2008

Respectfully submitted,

17 JOSEPH P. RUSSONIELLO  
18 United States Attorney

19 /s/  
20 TRACIE L. BROWN  
21 Assistant United States Attorney  
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# EXHIBIT A

I-205 exhibit 1.4

FD-249 exhibit 1.6



FDL 08-04491

